

Guidelines & Minimum Qualifications of Arbitrators for the State Bar Fee Arbitration Department

I. Arbitrator Appointments Selection Committee

The Appointments Selection Committee shall consist of the Presiding Arbitrator and the Program Director of the State Bar of California Mandatory Fee Arbitration Department. Recommendations for appointments of arbitrators are submitted to the appropriate State Bar Board Committee, which in turn forwards its recommendations to the full Board of Governors of the State Bar for appointment.

II. Guidelines for Minimum Qualifications of Arbitrators

The following guidelines are intended to set forth the minimum qualifications for lawyer and non-lawyer arbitrator appointments as well as the retention of appointees on the arbitrator panel. Any information provided by the applicant on his or her application form will be evaluated and could be used as grounds for exclusion from appointment. An applicant's failure to show, upon request of the Appointments Selection Committee, that he/she affirmatively meets these minimum qualifications may result in the rejection of an applicant or removal of an arbitrator from the Fee Arbitration Department.

Conviction of a crime for any felony or misdemeanor may constitute grounds for rejection of the applicant or removal from the State Bar Fee Arbitration Department panel. The filing of disciplinary charges with the State Bar Court or imposition of any public discipline by the State Bar Court or a federal court authorized to impose comparable professional discipline against attorneys may constitute grounds for rejection of an application or removal from the panel.

All arbitrators shall have attended, or committed to attend prior to the acceptance of an arbitration assignment, at least one comprehensive training program for arbitrators on attorney fee arbitration matters in the last five years offered by a local bar association or the State Bar of California.

A. Appointment to the Fee Arbitration Department

1. Lawyer Arbitrator

To be qualified for appointment as a lawyer arbitrator, an applicant must

(1) be, and have been for at least five years, an active member in good standing with the State Bar of California; or

(2) be a retired judge who is either an active or inactive member of the State Bar of California; and

(3) no applicant shall have a pending professional disciplinary matter filed with the State Bar Court or the imposition of any public professional discipline by the State Bar of California or by any federal court authorized to impose comparable professional discipline against attorneys at any time. The existence of any pending federal or other state bar discipline may be considered by the Appointments Selection Committee as grounds for denial of appointment to the Fee Arbitration Department.

2. Non-Lawyer Arbitrators

To be qualified for appointment as a non-lawyer arbitrator with the State Bar of California's Mandatory Fee Arbitration Department, an applicant must

(1) provide sufficient information to the Appointments Selection Committee to its satisfaction concerning his or her business, professional or volunteer experience, education, or other relevant qualifications to serve as an arbitrator; and

(2) never have been an active or inactive member of the bar of any state or the District of Columbia.

B. Requirements of All State Bar Arbitration Department Arbitrators

During the term of service with the Department, all arbitrators are required to report to the Program Director the existence of any criminal conviction, whether misdemeanor or felony.

During the term of service, all lawyer arbitrators are required to report the existence of any professional disciplinary complaint filed with the State Bar Court or imposition of public professional discipline by the State Bar of California or by any federal court authorized to impose comparable professional discipline against attorneys.

Arbitrators are required to attend and submit proof of attendance of at least one comprehensive training program for arbitrators on attorney fee arbitration through a local bar association or the State Bar of California every five (5) years of service on the Fee Arbitration Department panel.